



Research Paper

India's Democratic Reality Examined

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Abstract

This report provides a professional level evaluation of India in regards to its democratic system in saying that it is both strong in its foundations and challenging in its present aspects. It proves that India is a democratic nation that enjoys a strong constitutional setup in which the Preamble is a beacon of light and where the Doctrine of the Basic Structure, adhered to and observed by the court, becomes like a silver bullet against excessive parliamentary abuse. The report outlines the Indian democracy working machinery, as well as that of the Election Commission of India in ensuring that there is regular and free deemed election accompanied by high voter turnover. It observes dynamism in the multi-party system of India and institutionalization of grassroots democracy the 73 rd and the 74 th Constitutional Amendments. Nevertheless, the analysis does not just focus on a procedural approach but reflects on the mounting pressure on the system concerning the issues that are straining it. It demonstrates a worrying paradox in that, in a society enjoying a high level of vibrant electoral participation, there exists a sense of deteriorating quality of democratic governance. The report has evidence of major difficulties such as criminalization of politics as reported by the Association of Democratic Reforms (ADR) and loss of civil liberties and press freedom as reported by groups of international organizations like Freedom House and Reporters Without Borders. It engages in the academic discussion as to whether India is a competitive authoritarian regime or rather a flawed democracy and presents counter-arguments that are based on the lack of consistency in recent election outcomes. It is concluded in the report that India is not a static democracy but a contested, living reality of a democracy in India. It will be resilient depending upon whether its institutions, civil society and individuals can require transparency general and guard the substance of their democratic ideals.

*Received 27 Aug., 2025; Revised 02 Sep., 2025; Accepted 04 Sep., 2025 © The author(s) 2025.
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I. Introduction:

The Enduring Question of Indian Democracy

The assumption that India is a democratic land is a basis of its national image and a source of pride in its post-imperial existence. The country was established as an independent nation in 1947 but its Constitution was enacted on January 26, 1950 as a sovereign, socialistic, secular and democratic republic. This description is not just rhetoric, but runs deep in the political structure of the country, the legal system and in the Constitution Preamble that acts as a guide to govern the country. The report does not stop at this level of assertion but takes it a step further to investigate in detail the life of this democracy by engaging it in a sophisticated, factual enquiry.

1.1. The Preamble as a Foundational Document and as a Living Document

The Preamble to the Indian Constitution is indicative of the inner values of the Constitution that form the spirit of the Constitution. It was carefully drafted to give expression to the philosophy behind the newly born republic, making references to the nationalist movement, the testimony of leaders like Mahatma Gandhi, Jawaharlal Nehru and B.R. Ambedkar. This classical document describes the principles of sovereignty, socialism, secularism, and democracy as well as the willingness to uphold the ideals of justice, liberty, equality, and fraternity to all the citizens.

Although the rights embodied in the Preamble are not explicitly elevated to legally enforceable standings, the Preamble is not, in itself, directly enforceable the Indian judiciary has nonetheless paid its profound legal importance to the Preamble. The landmark judgement regarding this was in 1973.

Kesavananda Bharati v In the state of Kerala case, the Supreme Court ruled that the Preamble is an integral part of the Constitution and also that its fundamental values are part of the constitutional 'basic structure' and cannot be read out of the Constitution through an amendment by the Parliament. This court decision further

embedded the Preamble in its place as the guide of the light in Constitutional interpretation since the power to govern is vested in the people themselves.

1.2. Acknowledging the Paradox: Form vs. Substance

Although India has been able to uphold the formal design of democracy- regular, free and fair elections, a multi-party system- the functional content is being questioned. The India paradox to its democracy is that there is masses electoral participation combined with perceived loss of civil liberties and freedom of the press and institutional accountability. The following sections of this report will explore this tension, considering how the country has one of the most established constitutional systems in the world and how it has been imperiled by the practical realities of modern politics and how its institutions have responded to it all, a resilient and yet tight political structure.

II. The Constitutional Structure of Indian Democracy is a Fortress with Fissures

Being the longest written constitution in the world with all its checks and balances, the democratic framework in India is based on a constitution that is considered as unique in the world. This architecture, nevertheless, never remains only a blueprint, but a living legal and political reality, which is constantly renewed through the testing actions of its three arms of government.

2.1. The 10 Commandments: Doctrine of Basic Structure of the Constitution: Judiciary as a Guardian of the Constitution

The Doctrine of the Basic Structure of the Constitution is probably the most stirring legal innovation after the Indian Constitution. The Supreme Court had fashioned in it to protect the fundamental provisions of the Constitution against possible encroachment of legislation. The history of the evolution of the doctrine also started with a deferential attitude to the cases such as

Shankari Prasad v Sajjan Singh v. State of Rajasthan (1965), in which the Supreme Court first held that the Parliament sovereignly had the power to amend the Constitution. However, in

Golaknath v. In the State of Punjab (1967), however, the Court developed a contrary perception stating that the amendment of fundamental rights is beyond the powers of Parliament. This change introduced the first confrontation between the judicial system and the legislative through which a series of documental works called the landmark.

The case in specific is the Kesavananda Bharati case of 1973.

In this landmark case, the Supreme Court sought a walk-on-eggshells situation where it held that although Parliament can amend any portion of the constitution, this cannot be used to tear to shreds the basic structure of the constitution. Despite the fact that the court did not specify all these inviolable features, it gave a number of them including the supremacy of the Constitution, a republican and democratic system, secularism, separation of powers and judicial review.

The strength of the doctrine was manifested two years later in Indira Nehru Gandhi Vs. The most notable cases include, Raj Narain (1975), a case that emerged against allegations of electoral malpractices against the then-Prime minister. In reply, Parliament enacted the 39 th Constitutional Amendment, which was to remove the judicial review of selection of the Prime Minister. Supreme Court however applied the 'Basic Structure Doctrine' and ruled out the amendment stating that democracy necessitates free and fair elections and that the judicial review is one of its fundamental features. It was a straightforward battle of power between the judiciary and the executive and the judiciary guarded its power and the constitutional order as a matter of basic democracy. The non-exhaustive nature of the doctrine gives the judiciary the freedom to be both flexible and somewhat philosophical in its approach towards adaptations and responses to any threats to democracy hence it is an ever-evolving legal principle, rather than a fixed set of rules.

2.2. Basic Rights and judicial Construal: Text to the Living Reality

The constitution of India contains a set of enforceable fundamental rights, fundamental rights, (FRs) contained in Articles 12-35 in Part III of the Indian Constitution and empower its citizens. The right to equality and the right to freedom are present in this list of rights and are meant to prevent citizens against arbitrary state actions and are directly enforceable by the Supreme Court and High Courts through constitutional writs.

The judiciary has not confined itself to a narrow concept of the rights but has been proactive in enlarging their right through what is referred to as judicial activism. A good example can be cited with the extension of the Right to Life (Article 21) to include a number of implicit rights, such as the right to a speedy trial, a clean environment, good health and livelihood. This activism by the court illustrates an aspect that is more innovative than the ordinary act of adjudication; the judiciary have gone a step ahead in crafting rights by fulfilling extremities of the constitution where the other arm of the government namely the legislature has been inert.

Such activism has also played a significant role in defining the correlation between the justiciable Fundamental Rights with the non-justiciable Directive Principles of State Policy (DPSP). At first treated as subsidiary to the FRs, the judges came to view the two as complementary to each other. The courts have been increasingly resorting to DPSPs to give the basis, scope and extent of a fundamental right and thereby confirm the constitutional validity of legislations enacted to serve a social purpose. This delicate inter-balance establishes a critical-fine balance of tensions between individual rights and national state social welfare over which the courts presided, forming the fundamental democratic content of the country.

2.3. Separation of Powers: Checks and Balances as Practiced

The Indian Constitution adheres to the doctrine of separation of power, by seems to be vested in the Legislature, Executive and Judiciary to avert gathering of authority. This does not represent an absolute separation but is a complex balance of checks and balances. An example is the Parliament can make laws but the Supreme court has the right of judicial review, to quash any law which it can deem it to be unconstitutional. The government, on the other hand, has the option to pass an amendment bypassing the judicial statements, but the judiciary has the option of using the Basic Structure Doctrine to protect its prerogative as witnessed in the Electoral Bonds decision. Such continual negotiation of power by the institutions guarantees that no power is absolute, the presence of which is also characteristic of a functioning democracy.

III. The Institutions and processes of the Machinery of Democracy.

The aspect that defines India as a democratic society is in addition to its constitutional structure the institutions that serve and the process of making this democracy operational. Such mechanisms, such as elections and local governance are the concrete representations of the democracy.

3.1. Election Commission of India: The Firewall of Electoral Integrity?

1.1.1. The process of Universal Adult Franchise operative inaction

The Election Commission of India (ECI) is an independent authority created by Article 324 of the Constitution, which superintends, directs and controls elections. It is tasked with ensuring free and fair elections and it accomplishes this with remarkable logistical powers, across the diverse and vastly spread out land of the country. The success of the ECI can best be witnessed in the large number of voters that turn up in national elections. During 2024 General Elections, the total voter turn out in the polling stations was registered at 65.79 percent with a slightly higher turn out of the female vote than male in some phases. Such a large number of people participating in the process of electoral participation is a strong indicator of the good health of Indian democracy and acts as a rebuke to those seeking to present the Indian political system as a wholly unhealthy system. Further benefits to the citizenry were the reduction of the voting age to 18 by way of the 61st Constitutional Amendment Act and the addition of the 'None of the Above' (NOTA) option which gave extra weightage to the participation and choice.

It has a Down and Out feel to it

3.1.2. Overcoming the Hurdles of Credibility

In spite of its operational accomplishments, the credibility of the ECI has occupied center stage during the last years. One of them is the issue of electoral roll manipulation and the so-called vote theft which the institution had to tackle. The Chief Election Commissioner (CEC) has rebutted these allegations officially clarifying that the such practices as Special Intensive Revision (SIR) process was a transparent, collaborative process with political parties and their Booth Level Agents. One can note the way the CEC defends itself by underscoring the situation of a very political pressure that the institution has to endure, as well as its concerted efforts to preserve its independence and reputation.

The struggle towards independence of the ECI has also been in the Supreme Court. The judiciary has continued to play the role of activism in pushing the government to make electoral reforms, through notable verdicts on the electoral bond scheme to issuing directions on creation of an impartial appointment panel to appoint Election Commissioners. A later law transferred the Chief Justice of India to the selection committee to a Union Cabinet Minister, which has attracted criticism that may be interpreted to indicate a weakening intention of the judiciary and injecting the executive in the ECI. This shows that there is a severe institutional conflict between horizontal accountability where the judicial system tries to ensure that the executive branch does not monopolise a major independent arm.

3.2. A Healthy Multi Party System

The nature of the democracy of India is best defined as a multi-party system, complex and vibrant that has gone through a lot of changes since its independence. Initially a one-party dominant system with the Indian

National Congress, the Indian political arena post 1989 to the present era witnessed a competitive coalition politics until the recent re-appearance of a dominant party system with the Bharatiya Janata Party (BJP).

Although the multi party system is a pre-requisite in a pluralistic Indian society to accommodate various ethnic, religious, and linguistic interests, it has its own challenges. The lack of unity in the political arena is a threat to perceived instability and the successful party does not necessarily have a majority of popular vote. Critiques have noted the trend of a neo-Hindu democracy and the presidentialization of politics in the sense that greater attention is paid on the ideology of the party/candidate, but rather the charisma and vision of the individual who commands the constituencies on issues rather than party politics. This accumulation of power in the hands of a central figure has the potential of wrecking internal party democratisation and the consensual character of governance.

3.3. Grassroots Democracy: the third tier of governance

A major foundation of Indian democracy is its grassroots governance that became institutionalized through the 73 rd and 74 th Constitutional Amendments. These constitutional amendments made a third layer of governance with constitutional status to Panchayati Raj Institutions (PRIs) and the Urban Local Bodies (ULBs). The Acts have made the elections to these local bodies compulsory at 5-year intervals and it also made considerable seats reservations to Scheduled Castes, Scheduled Tribes and women which nurtured the empowerment of margins groups in the political process.

Although the legal framework is very strong, implementation has not been very effective. Having male relatives taking over the positions of elected women in an instance known as the *pradhan pati* phenomenon defeats the purpose of the reservation policy. In addition, most of the localities are economically tied to federal and state grants. Such complexities can be witnessed in these problems where a robust legal system has to be confronted with the informal and deeply rooted social structure of power. In order to fight the patriarchal norms and overcoming the social inertia, therefore, true democratic resilience is not just about enacting laws.

IV. Modern Challenges and Democratic Durability

Whereas the constitutional design of India's democracy remains robust, its content is strained by unprecedented modern challenges, such as the intersection of crime and politics, and the subversion of civil rights.

4.1. The Intersection of Crime, Corruption, and Politics

The problem of corruption and politicization of crime is threatening the purity of Indian democracy. Transparency International's Corruption Perceptions Index (CPI) reports a troubling trend, as India's score has gone down from 39 in 2023 to 38 in 2024, leading to a slide from 93rd to 96th rank out of 180 countries.

Even more disturbing are the findings of the Association for Democratic Reforms (ADR), which have yielded empirical data on the penetration of criminal forces into the political process. A September 2023 ADR report stated that 40% of incumbent Members of Parliament (MPs) have reported criminal cases against themselves, 25% of which involve serious charges like murder and crimes against women.

The Supreme Court has also been an effective check against such tendencies. Its judicial pronouncement on the Electoral Bonds scheme, permitting funding of political parties anonymously, is a best example of how it has played the role of protector of democratic values. The court unanimously declared the scheme unconstitutional, holding that it encroached upon the right to information of the voters under Article 19(1)(a). The court reiterated that political funding transparency is an integral part of free and fair elections and is critical to the electorate making proper choices and parties being held accountable. What remains puzzling, though, is that despite a high ratio of criminals being elected, which is indicative of a deeper and more systemic issue, constitutional and judicial efforts have yet to fully address it.

4.2. Freedom of Expression and Civil Liberties Under the Microscope

The other area of concern is the status of freedom of expression and civil liberties. Reports by international agencies and intellectuals indicate that there has been a drop in these areas.

Reporters Without Borders' 2024 World Press Freedom Index placed India at the 151st position among 180 nations, a slight upgrade from its last year's ranking of 159 but far lower than the level one would expect of a flourishing democracy. The report points to concerns like the ownership of media by political tycoons and the dependence of most media on conditional funding by persons who are close to political or business circles.

Freedom House's evaluations have also demoted India from a "Free" to a "Partly Free" democracy. The reports of the organization refer to a surge in discriminatory measures and persecution targeting the Muslim community, along with an escalation of harassment of journalists and civil society groups under the new government. This drop indicates a significant disparity between a strong electoral process and a liberal democratic culture in which civil liberties are properly safeguarded. An "electoral autocracy" is characterized by conducting elections while actively eroding core democratic elements like freedom of association and expression. Targeting

political opposition and civil society groups using state institutions, according to scholars, illustrates a wilful elimination of horizontal accountability.

V. A Comparative Perspective: India in the Global Democratic Landscape

India's status as a democracy is a topic of continuous controversy in the international arena, with global appraisals painting a mixed and sometimes contradictory picture.

5.1. Faulty vs. Functional: International Evaluations of Indian Democracy

Major international democracy rankings have provided critical evaluations of India's democratic well-being. The V-Dem Institute has defined India as an "electoral autocracy" since 2018, contending that although the nation conducts multiparty elections, it does not achieve the adequate levels of other key democratic elements, including freedom of expression, media freedom, and associational autonomy. The approach of V-Dem moves beyond mere electoral existence to quantify the quality of a democracy, and against those criteria, India's rankings have fallen quite far. Likewise, Freedom House has rated India "Partly Free" on the basis of targeted policies and stepped-up harassment of government critics.

But these critiques are not without their criticisms. The uncertainty of the 2024 General Elections is a strong argument against the "electoral autocracy" moniker. The ruling party lost their majority in parliament and had to establish a coalition government, a result that shows elections are not a "facade" and the opposition can, and does, win. This outcome shows there is some vertical accountability—the populace holding power to account through the ballot box—that in real autocracies does not exist.

The scholarly debate regarding whether India is democratic or not ultimately turns on the question of what "democracy" is: a procedural regime grounded in competitive elections, or a substantive regime that also ensures a wide variety of civil liberties and institutional constraints? The best description is a system in which formal institutions continue to operate, but the informal conventions and substantive safeguards are severely strained.

5.2. A Brief Comparison with the U.S. and U.K. Models

India's democracy is not a copy of any Western model but a distinctive system that has learned to cohabit with its own environment. It differs from the U.K.'s unwritten constitution in being a well-defined single written document. It is also different from the U.S. presidential model, being a Westminster-style parliamentary model where the executive is accountable to the legislature.

While these differ, India has the most significant features of both. Like America, it is federal, with a bicameral legislature, written constitution, and judiciary with judicial review powers. Yet Indian federalism is "quasi-federal" in that the central government can override state authority. While the U.S. and U.K. have a long democratic heritage, India has maintained its democracy for more than seven decades in the face of huge poverty, social diversity, and many internal confrontations. Such resilience, which tends to be underestimated by outside rankings, is a tribute to the exceptional fortitude of its political and social institutions.

VI. Conclusion: A Living, Evolving, and Contested Democracy

India's democratic system, based on its Constitution, free elections, multi-party politics, and autonomous judiciary, attests that it is, indeed, a democratic nation. Its formal institutions have withstood the test of time, as shown by high voter turnout and the last election result that compelled the ruling party to go into a coalition, demonstrating that vertical accountability is still robust. Yet, this formal robustness persists together with substantive vulnerabilities. The analysis of the report discloses a paradoxical and disputed reality in which the democratic framework is healthy, but its substance is under tension.

The nexus of politics and crime, the erosion of civil liberties and press freedom, and the increasing executive power over autonomous institutions indicate a major breakdown of horizontal accountability. The tug of war between the judiciary and the executive on election commissioners' appointments and the battle for political funding transparency underscore the defining battle for the Indian democracy's soul.

Finally, Indian democracy is not a fixed idea but a dynamic, changing reality, defined by the continuous struggles between its institutions, people, and political actors. The long-term health of this democracy will not just rely on the watchfulness of its judiciary and the strength of its electoral system but also on the united efforts of its people, civil society, and opposition to compel transparency, defend civil liberties, and hold government accountable to the people whom it governs.

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